

AMENDED IN ASSEMBLY JUNE 3, 1997

AMENDED IN ASSEMBLY MAY 6, 1997

AMENDED IN ASSEMBLY APRIL 16, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1378**

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**Introduced by Assembly Member Prenter**  
**(Coauthors: Assembly Members Aguiar, Battin, Bordonaro,**  
**Frusetta, House, and Thomson)**  
(Coauthors: Senators Ayala, Costa, and Johannessen)

February 28, 1997

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An act to amend Section 7000 of, and to add Sections 7005 and 7005.5 to, the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1378, as amended, Prenter. Prison construction: mitigation costs.

Existing law provides that the Department of Corrections shall prepare plans for, and construct facilities and renovations included within, its master plan for prison construction and operations, which funds have been appropriated by the Legislature.

This bill would provide that the Department of Corrections shall include as part of the master plan mitigation for costs incurred by any local education agency, city, county, or city and county as a result of the construction, operation, and maintenance of new prison facilities, expansions of existing prison facilities, increases in the number of inmates housed in

existing prison facilities, or any combination thereof. The bill would provide that the costs shall be mitigated ~~from appropriations provided in the statute that funds the prison facility activity~~ *if funds for that purpose are appropriated in the Budget Act* and that the Department of Corrections shall disburse the mitigation funds directly to the county superintendent of schools for disbursement to impacted schools, and to local government entities for disbursement to impacted cities, counties, and special districts.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7000 of the Penal Code is  
2 amended to read:

3 7000. (a) The Department of Corrections shall  
4 prepare plans for, and construct facilities and renovations  
5 included within, its master plan for prison construction  
6 and operations, which funds have been appropriated by  
7 the Legislature.

8 (b) The Department of Corrections shall include as  
9 part of the master plan developed pursuant to this section  
10 mitigation for costs incurred by any local education  
11 agency, city, county, or city and county as a result of the  
12 construction, operation, and maintenance of new prison  
13 facilities resulting in increased inmate housing capacity,  
14 expansions of existing prison facilities, increases in the  
15 number of inmates housed in existing prison facilities, or  
16 any combination thereof, pursuant to Section 7005.5.

17 (c) “Master plan” means the department’s “Facility  
18 Requirements Plan,” dated April 7, 1980, and any  
19 subsequent revisions.

20 SEC. 2. Section 7005 is added to the Penal Code, to  
21 read:

22 7005. Notwithstanding any other provision of law,  
23 costs incurred by any local education agency, city, county,  
24 or city and county as a result of the construction,  
25 operation, and maintenance of new prison facilities,  
26 expansions of existing prison facilities, increases in the

number of inmates housed in existing prison facilities resulting in increased inmate housing capacity, or any combination thereof, shall be mitigated by the Department of Corrections ~~from appropriations provided in the statute that funds the prison facility activity, pursuant to Section 7005.5.~~ *if funds for that purpose are appropriated to the department in the Budget Act.*

SEC. 3. Section 7005.5 is added to the Penal Code, to read:

7005.5. (a) For purposes of Section 7005, the amount of mitigation funding shall be determined as follows:

(1) When constructing a new prison, mitigation shall be provided to the impacted local school district or districts in the amount of two million dollars (\$2,000,000). In addition, mitigation in the amount of two million dollars (\$2,000,000) shall be provided for allocation among impacted cities, counties, and special districts. The amounts specified in this paragraph recognize the cost of an average prison in terms of employees, which is recognized to be 1,150. In the event that a newly sited prison is either larger or smaller, the amount specified in this paragraph shall be proportionately increased or decreased to reflect the number of employees of the prison subject to this paragraph.

(2) When expanding the housing capacity of an existing facility, mitigation shall be provided to the impacted school district or districts and impacted cities, counties, and special districts.

(A) Mitigation in the amount of one thousand dollars (\$1,000) per unit of capacity increase, as defined by subparagraph (B), shall be disbursed to the local school district or districts impacted by the expansion, and the same amount shall be disbursed for allocation among impacted cities, counties, and special districts.

(B) Units of capacity increase shall be determined as follows: In any given year, the capacity of an existing facility shall be defined as the highest number of inmates housed in the facility during the previous fiscal year (hereafter referred to as “x”). When expanding the

1 capacity of a facility, the Department of Corrections shall  
2 determine the new projected capacity of the facility,  
3 which shall be defined as the greatest number of inmates  
4 that may be housed in the facility during that fiscal year,  
5 including inmates housed in beds created by the physical  
6 expansion of the facility, new beds placed in the existing  
7 facility, or new beds placed in existing areas of the facility  
8 that are converted to inmate housing (hereafter referred  
9 to as “y”). The number of units of capacity increase shall  
10 be determined by subtracting “x” from “y”.

11 (C) At the end of the fiscal year, if the actual expansion  
12 is greater than 110 percent of the original estimated  
13 expansion, the mitigation shall be recalculated based  
14 upon the year-end figures, and the difference remitted to  
15 the mitigated parties.

16 (b) Pursuant to Section 7005, the Department of  
17 Corrections shall disburse mitigation funds directly to the  
18 county superintendent of schools possessing jurisdiction  
19 in a county in which new prison construction, prison  
20 expansion, an increase in the number of inmates housed  
21 in existing prison facilities, or any combination thereof  
22 takes place, for disbursement to the impacted school  
23 district or districts.

24 (c) Pursuant to Section 7005, the Department of  
25 Corrections shall disburse mitigation funds directly to  
26 local government entities possessing jurisdiction in a  
27 county in which new prison construction, prison  
28 expansion, an increase in the number of inmates housed  
29 in existing prison facilities, or any combination thereof  
30 takes place, for disbursement to impacted cities, counties,  
31 and special districts.

32 (d) The amounts specified in subdivision (a) shall be  
33 adjusted annually by the appropriate construction index  
34 utilized by the Department of Finance to recognize  
35 changes in the cost of construction.

